

Basis for Amendments to Claims

Applicants have amended Claim 25 as suggested in the objection of the Examiner in paragraph 2 on page 2 of the Office Action.

Applicants have amended Claims 1 and 34 to introduce a limitation whereby an upper edge of an outer surface of the tubular wall of the tubular casing comprises a protuberance which extends only partially around a circumference of the open end of the wall of the tubular casing and wherein this protuberance contacts the inner surface of the outer wall of the cap lid when the cap lid is closed onto the tubular casing to form a surface-to-surface contact. Basis for this amendment is contained in Figures 4 and 9. Note in Figure 4 that the upper edge of the outer surface of the wall (9) of the tubular casing (1) extends outward, forming a protuberance which contacts the inner surface of the outer wall of the cap lid when the cap lid is closed onto the tubular casing. This is shown particularly with the arrow that has been incorporated into a copy of Figure 4 showing this contact. This copy of Figure 4 is attached as Exhibit A. Note in addition the second arrow on Figure 4 on the side of the tubular casing closest to the hinge, which shows a space between the outer surface of the wall of the tubular casing and the inner surface of the inner wall of the cap lid. This non-contact of the wall of the

tubular casing with the wall of the cap lid at a position closest to the hinge is also shown clearly in Figure 9.

Applicants have also added dependent Claims 36 and 38, which further limit independent Claims 1 and 34 by requiring that the protuberance in the edge of the tubular casing does not exist on that portion of the wall of the tubular casing closest to the hinge when the cap lid is closed on the tubular casing. See Figures 4 and 9.

Claims 37 and 39 claim the structure of the opposite side of the container, wherein the protuberance contacts the portion of the wall of the tubular casing furthest from the hinge when the cap lid is closed on the tubular casing. See Figure 4.

No new subject matter is introduced by any of these amendments.

Basis for Amendments to the Drawings

Figure 4 is amended to correct the reference to element 9 on the left side of Figure 4, as filed. The "Replacement Sheet" for Figure 4 is attached as Exhibit B. As is clear from the drawing, as originally filed, there are two references to element number 9 on Figure 4. The correct reference is on the right side of Figure 4, as filed. Number 9 is the inner wall of the cap lid, as discussed on page 25, lines 19-25. The numbering on the left side of the originally filed Figure 4 points to the tubular casing and is corrected in the Replacement Sheet.

Applicants request that the Replacement Sheet be accepted by the Examiner and asserts that no new matter has been introduced by the amended to Figure 4.

Discussion

The USPTO objected to Claim 25 and proposed amended language. Applicants have amended Claim 25 consistent with the proposed Amendment.

The USPTO next rejected Claims 1-3, 7-11, 15-17, 19, 20, 23-31, 34 and 35 under 35 U.S.C. § 103 as being unpatentable over Giraud, et al. (US 2004/0065669) in view of Simpson, et al. (US Patent No. 6,000,550). The USPTO also rejected Claims 12-14 under 35 U.S.C. § 103 as being unpatentable over Giraud, et al. in view of Simpson, et al. and further in view of Altherr (US Patent No. 5,270,011). Finally, the USPTO rejected Claims 32 and 33 as being unpatentable over Giraud, et al. in view of Simpson, et al. and further in view of Belfance, et al. (US Patent No. 7,413,083). Based on the current amendments to the claims, Applicants traverse each rejection.

In this Office Action the USPTO withdrew all prior rejections of the claims of the Application based on amendments that were made to the claims and cited new prior art, primarily Giraud, et al. in view of Simpson, et al. and Altherr. Applicants have amended all claims of the Application to focus on specific distinctions between the structure of the container, as now claimed, and the containers of the prior art, specifically distinctions in the structural relationship between the cap lid and the upper edge of the tubular casing

when the cap lid is secured upon the tubular casing. As has been discussed in several prior amendments, one important aspect of the invention is the unique interaction between the cap lid and the tubular casing to form surface-to-surface contact zones. However, another important aspect of the invention is the capability to close the cap lid securely onto the tubular casing without risk of damage to the upper surface of the tubular casing.

As previously discussed, in one embodiment of the invention, the outer surface of the inner tubular peripheral wall contains a protuberance (31) which assists in securing the cap lid to the tubular casing. Another structural element present in an embodiment of the invention, that assists in the secure closing of the cap lid onto the tubular casing, is a structural feature now incorporated in amended Claims 1 and 34 of the Application. Pursuant to those claims, as amended, an upper edge of the outer surface of the open end of the wall of the tubular casing contains a protuberance, as is clearly shown in Figure 4 and marked with an arrow in attached Exhibit A, which is a copy of Figure 4. This protuberance contacts the inner surface of the outer wall of the cap lid when the cap lid is closed onto the tubular casing, also as shown in Figure 4. However, an important aspect of this structural component, as claimed, is that this protuberance extends only partially

around the circumference of the wall of the tubular casing. This structural arrangement is also shown in Figure 4 by comparing the upper edge of the outer wall of the tubular casing on both side of the container, as shown by the two arrows on attached Exhibit A. Note that the protuberance is present only on the outer edge of the tubular casing at a location furthest from the hinge. Note, the lack of this protuberance on the outer edge of the tubular casing at a position closest to the hinge, as also shown in Figure 4. (See also Figure 9.) Claims for this structural arrangement were added in new dependent Claims 36-39.

In addition to this distinctive structure, there is an important function for this structure. In normal operation, when the cap lid is being closed onto the tubular casing, pressure is applied to the top surface (4) of the cap lid. However, this pressure is not applied evenly over the entire top surface. Rather, most of the pressure is placed on the top surface of the cap lid furthest from the hinge. If the protuberance, that is now claimed in Claims 1 and 34, extended all of the way around the circumference of the tubular casing, if sufficient downward pressure is not applied on the cap lid at a location close to the hinge, there will not be a secure closing of the cap lid onto the tubular casing. In addition, when this protuberance is limited in circumference to being

present only at a position furthest from the hinge, the inner surface of the container remains smooth to avoid any risk of damaging either the surface of the tubular casing or the inner surface of the outer wall (10) of the cap lid.

In contrast to this structure, it is clear from Giraud, et al. that a protuberance in the upper edge of the casing is present both at a position furthest from the hinge and at a position closest to the hinge. This is shown on Figures 7 of Giraud, et al. at numbers 63 and 65. Thus, when the cap lid of Giraud, et al. is closed onto the tubular casing there is an excessive interaction between the protuberance, which is present at number 65, and the cap lid nearest the hinge, making closing of the cap lid more difficult and damage to the surface of the container more likely.

This particular structure is clearly not present in Simpson, et al., as Simpson, et al. focused only on the structure of the hinge. As the drawings of Simpson, et al. fail to disclose this structure in any form, it does not disclose or suggest this important structural limitation.

Altherr also fails to disclose this structural limitation as he fails to disclose any peripheral groove in which the upper edge of the tubular casing extends. Note in Figure 4 that even when the cap lid is closed onto the tubular casing, there is an peripheral groove into which the top edge of the casing

could extend, but it does not. Thus, Altherr also fails to disclose this unique structural limitation.

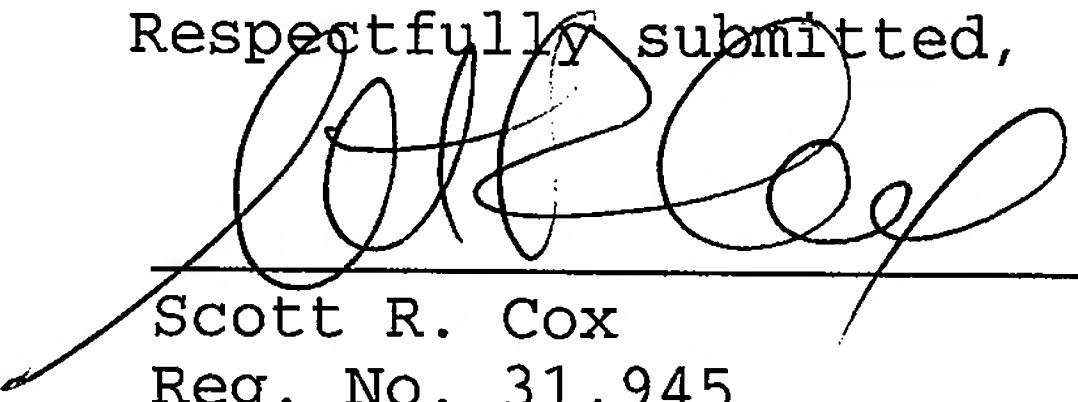
The teaching of Belfance, et al. also does not disclose this important structural feature, as Belfance, et al. is cited merely to disclose that the desiccant materials may be in powder form. (See page 11 of the Office Action.)

Accordingly, Applicants assert that each claim of the invention which contains this novel claimed structure is patentable over all references cited by the USPTO.

CONCLUSION

Applicants request that a Notice of Allowance be issued as all claims are patentable over the references as cited. If there are any questions concerning this Amendment, please contact Applicants' counsel.

Respectfully submitted,



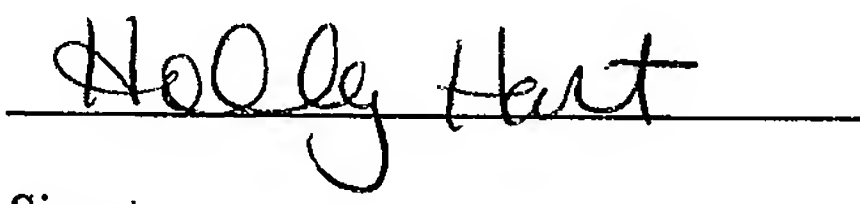
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CERTIFICATE OF EFS SUBMISSION (37 C.F.R. § 1.8(a)(i)(1)(C))

I hereby certify that, on the date shown below, this correspondence is being submitted to the Patent and Trademark Office via the Office Electronic Filing System in accordance with § 1.6(a)(4).

Date: April 15, 2010



Signature

EXHIBIT A

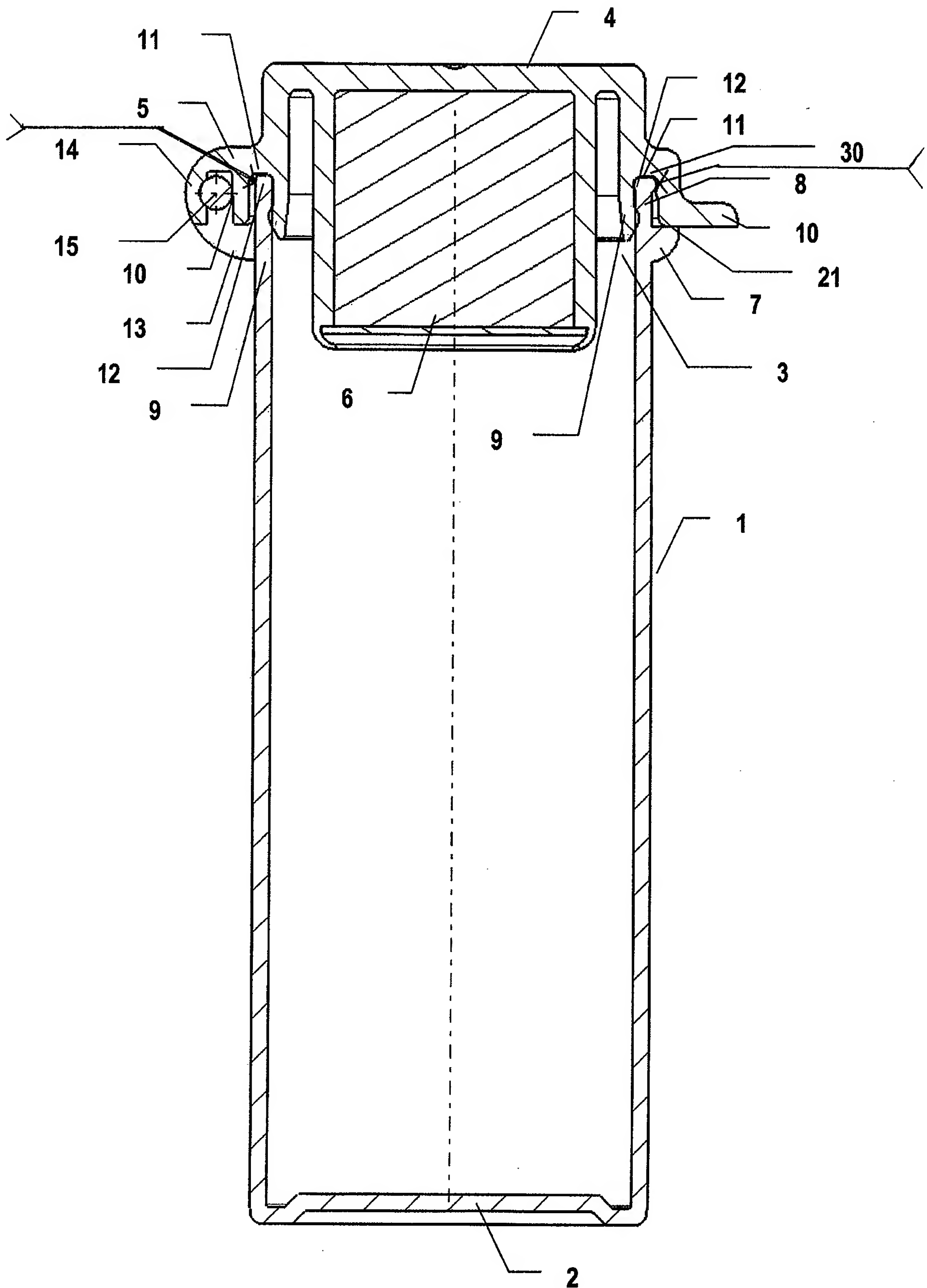


FIGURE 4